

Committee Room,

Austin, Texas, March 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 236, A bill to be entitled "An Act to repeal Section 17 of Article 8308, Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLLIE, Chairman.

Committee Room,

Austin, Texas, March 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 237, A bill to be entitled "An Act amending Article 8308, Revised Civil Statutes of the State of Texas of 1925, by adding a new Section thereto, to be designated Section 21a; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLLIE, Chairman.

FORTIETH DAY.

(Wednesday, March 17, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

The following Senators were absent and excused:

Davis.

Rawlings.

A quorum was announced present. The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

Reports of Standing Committees.

Reports on Senate Bills Nos. 397, 29, 395, 296, 156, 396, 405, 315, 349, 384, 111, 110, 112, 109, 259, 362, and 400; on House Bills Nos. 127, 81, 221, and 969, and on House Concurrent Resolutions Nos. 56, 66, 31, and 17, were submitted by the chairmen of the several committees to which they were referred. (See Appendix for reports in full.)

Senate Resolution No. 50.

Senator Moore offered the following resolution:

Be it Resolved by the Senate of Texas, That the following be adopted as the policy of the Senate relative to night sessions on local and minor bills:

First. That the date and hour of such sessions be fixed at least twenty-four (24) hours in advance;

Second. That all members of the Senate give to the Secretary of the Lieutenant Governor at least twenty-four (24) hours before the session the numbers of all bills they expect or desire to have acted upon;

Third. That a calendar be placed on the desk of each of the members not later than 10:00 a. m. the morning of such session;

Fourth. That any three members may object to the consideration of any bill in such session.

The resolution was read and was transmitted to the President's table.

Report of Conference Committee on Senate Bill No. 1.

Senator Burns submitted the following report of the Conference Committee on Senate Bill No. 1:

Committee Room,

Austin, Texas, March 16, 1937.

Hon. Walter F. Woodul, President of the Senate,

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sirs: We, your Conference Com-

mittee appointed to adjust the differences between the Senate and House on Senate Bill No. 1, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that Senate Bill No. 1 be adopted in the form hereto attached.

Very respectfully,

BURNS,
PACE,
AIKIN,
BROWNLEE,
HOLBROOK,

On the part of the Senate.

McKINNEY,
ALEXANDER,
THORNBERRY,
BAKER,
KNETSCH,

On the part of the House.

S. B. No. 1

An Act repealing Article 6203, Revised Civil Statutes of 1925, as amended by Chapter 45, Acts of the Forty-first Legislature, First Called Session, Chapter 9, Fourth Called Session of the Forty-first Legislature, and Chapter 11, Fifth Called Session of the Forty-first Legislature, creating a Board of Pardons and Paroles, fixing their terms of office, providing a method of appointment thereto and authorizing recess appointments; providing for the relinquishment of all equipment and supplies by the old Board to the new Board; limiting the power of the Governor in the matter of reprieves, commutations of punishment and pardons; providing for one reprieve of not more than thirty (30) days in any capital case; empowering the Governor to revoke paroles and other forms of clemency; fixing the salaries of the members of the Board of Pardons and Paroles and providing for traveling expenses and accommodations, and empowering them to employ a secretary who shall also be designated as State Parole Supervisor and other employees; providing for organization of the Board; and providing that the Chairman shall be appointed by the Governor; providing for removal of Board members for cause; providing for maintenance of offices; providing for fixing the amount of days said Board shall spend on Prison prop-

erties; providing that members of said Board shall devote all of their time to said duties; and fixing the penalty for violation thereof; granting authority to Board to promulgate rules and regulations; empowering the Governor to appoint non-paid County Parole Boards, and citing their duties; providing for a parole supervisor and citing his duties; providing for probation officers to become parole officers; providing that the Board of Pardons and Paroles shall determine which prisoners shall be released from the penitentiary before the expiration of their maximum term; providing for regular meetings of the Board; providing that certain factors are to be considered in cases where parole is under consideration; providing considerations in the matter of pardons; citing powers of the Board in all cases; providing that the General Manager of the Texas Prison System, in so far as his records will allow, furnish the Board of Pardons and Paroles with a complete social and criminal record of each prisoner in his charge; providing that the General Manager shall furnish list of men eligible for parole to the Board; providing that prisoners eligible for parole shall be supplied with application forms; determining how prisoners serving sentence in the penitentiary shall become eligible for parole, and the manner and conditions of release; providing limitations upon eligibility for parole of persons whose sentences are commuted from death to life sentence; providing for furloughs and limiting length of time they may be granted; and giving applications for furlough precedence on the docket of the Board; providing for personal interview by the Board or any designated member thereof with persons eligible for parole; providing procedure in case of prisoner violating prison rules prior to release on parole; providing for the Board to specify the conditions of parole; providing for clothing, transportation, and money for prisoners released on parole; authorizing apprehension of persons who have violated or are about to violate terms of parole; providing for

hearings of retaken and returned parole violators; providing the method of computing a prisoner's time served; providing for imposition of unserved term in cases where felony is committed while prisoner is on parole; providing for discharge while on parole; establishing a method of application for restoration of citizenship and full rights and privileges of suffrage; providing for automatic restoration of rights of citizenship in certain cases; providing for filing proclamation or release form by the Governor with Secretary of State in which reasons for granting or denying parole or clemency are set out; providing for appropriation to effectuate Act until September 1, 1937; declaring that if any part of this Act shall be held unconstitutional or invalid the remainder shall remain in effect and force, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Repealing Clause. That Article 6203, Revised Civil Statutes of 1925, as amended by Chapter 147, Acts of the Fortieth Legislature; Chapter 45, Acts of the First Called Session, Forty-first Legislature; Chapter 9, Acts of the Fourth Called Session, Forty-first Legislature; and by Chapter 11, Acts of the Fifth Called Session of the Forty-first Legislature; Chapter 4 of Title 12, being Articles 952 to 967, inclusive, of the Code of Criminal Procedure, 1925, and all other laws in conflict herewith, be and the same are hereby repealed.

Sec. 2. Board of Pardons and Paroles Created. There is hereby created a Board of Pardons and Paroles, hereinafter referred to as the Board, to be composed of three (3) members who shall have been resident citizens of the State of Texas for a period of not less than two (2) years immediately preceding such appointment, each of whom shall hold office for a term of six (6) years; provided that of the members of the first Board appointed, one shall serve for two (2) years, one for four (4) years, and one for six (6) years from the first day of February, 1937, and they shall cast lots for their respective terms. One member of said Board shall be ap-

pointed by the Governor, one member by the Chief Justice of the Supreme Court of the State of Texas, and one member by the Presiding Justice of the Court of Criminal Appeals; the appointment of all members of the said Board shall be with the advice and consent of two-thirds of the Senate present. Each vacancy shall be filled by the respective appointing power that theretofore made the appointment to such position and the appointing power shall have the authority to make recess appointments until the convening of the Senate. Provided further that the members of said Board shall devote all of their time to the duties of said office, and they shall not receive any retainer, money, fee, commission, or anything of value for representing any person or corporation or association of persons in the Courts of this State or before said Board, and shall not accept, contract, or perform any other employment or outside service whatsoever.

Sec. 2-a. Duties of Old Board. After the Board, as created and appointed under said Constitutional Amendment, have taken the oath of office, the outgoing Board of Pardons and Paroles, shall deliver to the incoming Board, all files, stationery, office furniture, fixtures, and all other property of every kind and character in its possession and held by said Board under the law creating same.

Sec. 3. Power of the Governor. In all criminal cases, except treason and impeachment, the Governor shall have power, after conviction, upon the written signed recommendation and advice of the Board, or a majority thereof, to grant reprieves, commutations of punishment and pardons, under such rules as the Legislature may prescribe. Upon the written signed recommendation and advice of the Board, or a majority thereof, he shall have the power to remit fines and forfeitures. The Governor shall have the power to grant one reprieve in any capital case for a period not to exceed thirty (30) days; and, upon the written signed recommendation and advice of the Board, or a majority thereof, he shall have the power to revoke paroles and other forms of clemency, save and except unconditional pardons.

Sec. 4. Salary of Members. Each member of the Board shall receive an annual salary of Three Thousand Dollars (\$3,000.00) and such traveling expenses and accommodations as are necessary and incurred in the discharge of his official duties. The Board shall have the power to employ and prescribe the duties of a secretary who shall also be designated as the State Supervisor of Parole and as such charged with the duties of supervision of parolees as hereinafter set out, and such other employees as may be necessary.

Sec. 5. Organization of Board. The Governor shall designate the Chairman of the Board who shall serve during said member's tenure of office. The Chairman may assign individual members such special duties as may be deemed expedient to its functioning in accordance with the rules and regulations hereinafter provided.

Sec. 6. Removal of Board Members. If any member of the Board shall be guilty of malfeasance, misfeasance, or nonfeasance in office or shall become incapable or unfit to discharge his official duties, or shall wilfully fail, refuse, or neglect the discharge of the duties of his office, such member may be removed from office by impeachment by the Legislature.

Sec. 7. Location of Board. The Board shall maintain its office at such place as it shall find most convenient and appropriate for the performances of its duties and to effectuate the purposes of this Act. A majority of the Board shall constitute a quorum in the transaction of business, and no order of the Board shall be valid unless concurred in by at least two of its members. The Board shall make all necessary rules and regulations governing the discharge of its duties in so far as they do not conflict with any provisions of this Act.

Sec. 8. County Parole Boards. In further aid of this Act, and for the protection of the public and parolees under it, the Governor of Texas, may, when it takes effect, and every two (2) years thereafter, appoint in each county of this State, not less than three (3) nor more than ten (10) citizens who shall constitute the County Parole Board of the county designated. Persons thus appointed

shall be of known integrity and unimpeachable character, have the welfare of society and the rehabilitation of parolees at heart. They shall organize immediately after their appointment by the selection of one of their number chairman and another secretary. It shall be the duty of the secretary to immediately notify the Board of Pardons and Paroles of the organization of the Board, the names of its chairman and secretary, and the name and address of each respective member thereof. Each member shall qualify by taking the Constitutional oath of office and file the same immediately with the Secretary of State of the State of Texas, who shall then issue a commission of office to each member, signed by the Governor of Texas, attested by the Secretary of State of Texas and the seal of the State of Texas shall be affixed thereto. No fee shall be charged for this service by the Secretary of State. Members of County Parole Boards shall serve without pay.

Sec. 8-a. Parole Supervisor. For the purpose of directing and assisting parole officer, County Parole Boards, or other supervisory agencies, now or hereafter created, the Board shall designate the Secretary of the Board of Pardons and Paroles as State Parole Supervisor, who shall have had experience in probation or parole supervision and shall have been a citizen of Texas for at least five (5) years. He shall perform such duties as are prescribed by law or the Board and shall receive an annual salary of Two Thousand Four Hundred (\$2,400.00) Dollars.

Sec. 8-b. Duties of Parole Supervisor. It shall be the duty of the State Parole Supervisor, in addition to complying fully with all provisions relative to his office and mentioned elsewhere in this Act, to keep a register of all parolees; to see that all provisions of this Act relative to prisoners released and at liberty on parole are faithfully carried out and observed; to counsel and advise, at such times as may be necessary, all such prisoners in the manner of rehabilitation best suited to each, and to endeavor, in so far as possible, to secure employment for all such prisoners before their release on parole.

Sec. 8-c. Parole Officers. For

the purpose of supervision of persons on parole it is hereby provided that any probation officers paid out of State funds shall also serve as parole officers. This shall apply to any such officers now existing, or to be created by subsequent enactment. It is specifically provided that if enabling Statutes are enacted to place in effect the Constitutional Amendment voted by the people of Texas in 1935, amending Article IV of the Constitution by adding thereto between Sections 11 and 12 a new Section known as Section 11-a, which authorizes District Judges having criminal jurisdiction to place defendants on probation, that any probation officers appointed under such an Act are hereby declared Parole Officers and subjected to duties to be imposed by the Board of Pardons and Paroles and the State Supervisor of Paroles. Any such probation officer hereinabove referred to shall be referred to as a probation and parole officer.

Sec. 9. Duty of Board. It shall be the duty of the Board to determine which prisoners serving sentence in the penitentiary of this State, or any branch thereof, shall be released therefrom before the expiration of their maximum terms, under the provisions of this Act.

Sec. 10. Regular Meetings. At such times and places as may be necessary, the Board shall hold regular meetings for the purpose of determining which of the eligible prisoners shall be paroled and, at each meeting, may cause such prisoners to personally appear before it, or any designated member thereof, for interview. There shall be at hand at such interview a complete and detailed case history of each prisoner.

Sec. 11. Consideration for Parole. In the consideration of cases for parole, the Board shall determine from probation and parole officers, where practicable, and from county parole boards such facts regarding the applicant for parole as cannot be determined from the official Court records. Such reports shall attempt to determine the home conditions of the applicant, the probability of obtaining employment and the desirability of his returning to his former home, and such other information as the Board may require. In addition, the docket shall contain the report of the

Bureau of Classification together with the prisoner's record with such comments as the Warden or General Manager of the Penitentiary shall have to make.

Sec. 11-a. Pardons. In consideration of applications for pardons the Board shall consider the facts, or unusual, outstanding, and meritorious public service performed which deserve special consideration and clemency.

Sec. 11-b. Power of Board. The Board shall have the power at any time to recommend any form of clemency, conditional or otherwise, they may see fit irrespective of the proportion or amount of the sentence served; provided further that no prisoner shall be released on parole while suffering from a venereal disease in a contagious form, except in cases where the Prison Physician certifies that such release is necessary to such prisoner's complete recovery as hereinafter provided.

Sec. 12. Duty of Prison Manager. It shall become the duty of the General Manager of the Texas Prison System, in so far as his records will allow, to provide the Board with a complete social and criminal record of each prisoner in his charge, including all data assembled by the Bureau of Classification, together with a record of such prisoner's previous arrests and convictions, a statement of his physical and mental condition and a complete and detailed record of his conduct while in prison.

Sec. 12-a. Furnish List of Eligibles. The Prison Manager shall, on or about the first day of each month, report to the Board the names of all prisoners who will become eligible for consideration for parole within the next sixty (60) days, and whose names have not been previously reported by him for said period.

Sec. 12-b. Supply Prisoners with Application Forms. The Prison Manager shall cause to be printed blank applications for parole, and furnish same to prisoners in the penitentiary at least sixty (60) days before they become eligible to be considered for parole. The form of the application shall be prescribed by the Board.

Sec. 12-c. Applications for Paroles. Any prisoner may make application for parole at least thirty

(30) days before he will become eligible to be considered for parole, if he desires to do so. However, each prisoner when eligible shall be considered for parole by the Board whether he applies for same or not.

Sec. 13. Eligibility for Parole. Every prisoner sentenced to an indeterminate sentence and now confined in the penitentiary, or hereafter sentenced thereto on an indeterminate sentence, when he shall have to his credit a period of time equal to the minimum term of the sentence imposed upon him for the crime, or crimes, of which he was convicted, shall be eligible for parole and every prisoner now confined in the penitentiary on a definite sentence, shall, under the provisions of this Act, be deemed eligible for parole when he shall have to his credit a period of time equal to one-third of the term, or terms, for which he was sentenced; except as hereinafter provided.

Sec. 13-a. Eligibility of Long Term Convicts. Every prisoner sentenced to an indeterminate sentence, the maximum term of which is thirty (30) years or more, and now confined in the penitentiary, or any prisoner hereafter sentenced thereto on such indeterminate sentence, and every prisoner sentenced to a definite sentence, the term of which is thirty (30) years or more, and now confined in the penitentiary, or any prisoner hereafter sentenced thereto on such definite sentence, when he shall have to his credit a period of time equal to ten (10) years, shall be deemed eligible for parole.

Sec. 13-b. Escapee's Eligibility. No prisoner incarcerated in the penitentiary of this State, who is guilty of escape shall become eligible for parole except at the discretion of the Board.

Sec. 13-c. Commutation from Original Death Sentence. No prisoner whose sentence has been commuted to life imprisonment from an original death sentence shall become eligible for parole until ten (10) calendar years have elapsed from and after the date such life sentence became effective.

Sec. 14. Furloughs. Only Emergency Granted. It is hereby provided that the Governor may, upon the recommendation of the Board or

a majority thereof, grant furloughs in emergency cases. The Board alone shall determine in each instance whether the case is an emergency one; but in no event shall furloughs be recommended and granted for more than thirty (30) days at any one period and not more than two thirty (30) days furloughs shall be granted to any one prisoner over a period of six (6) months. Provided further, that the time spent on furlough by a convict shall not be credited as time served on his sentence. Applications for furlough shall be given preference on the docket of the Board.

Sec. 15. It shall be the duty of and mandatory upon the Board to personally interview each prisoner not later than ninety (90) days after such prisoner has under the terms of this Act become eligible for parole and has made application therefor. In considering a prisoner for parole, the Board shall comply with all provisions of this Act, governing this Act, and shall consider among other things the prisoner's conduct while in the Penitentiary; his ability to tell the truth, his perspective in so far as can be determined in regard to crime and all facts relative thereto; his record, if he is a recidivist, during any and all former incarceration; his ability to obtain suitable employment upon his release; and, provided further that said Board shall take notes at such interview; and it shall be mandatory upon said Board to visit and spend fifteen (15) calendar days of each month upon prison properties personally interviewing said convicts, and said interviews must be taken at the units of the Prison System where the convict is confined; and that said Board Members shall, under oath, on the first of each month file a written report with the Secretary of State showing the number of days devoted to said work on the different units of the Prison System, the number of convicts interviewed, giving their name, number, and what disposition has been made of such applications for executive clemency. If any member of said Board shall violate any provision of this section, he shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred (\$100.00) Dollars and not more

than One Thousand (\$1,000.00) Dollars.

Sec. 16. Prisoners Violating Prison Rules. If any prisoner to whom parole is allowed shall, before his release thereunder, violate any of the rules or regulations of the penitentiary, the action of the Board shall become null and void, and such prisoner shall not again be considered for parole until he has, under the provisions of this Act, once more become eligible.

Sec. 17. Conditions of Parole. The Board shall, upon granting a parole to any prisoner, impose such conditions as it may deem right and proper in each particular case. It shall be the duty of the Board to specify in writing the conditions under which a prisoner is released on parole and to present such prisoner with a copy of such conditions, the original of which shall be filed in the Bureau of Records and Identification of the State Penitentiary at Huntsville, Texas, a copy to the Secretary of the County Parole Board to whom such prisoner may be paroled, and a copy of which shall be retained by the Board for its file in each case. The Board shall adopt general rules with regard to conditions of parole and violation of same, and may make special rules to govern or apply to particular cases. Such rules shall include that, among other things, the prisoner released shall abandon evil associates and ways, contribute to the support of his dependents, if any, carry out the instructions of the parole supervisor or county parole board and report as required, when and by such methods as shall be specified, conduct himself in all ways in an exemplary manner and remain in the State unless privileged by the Board to journey elsewhere.

Sec. 18. Clothing, Transportation, Money to be Furnished Parolee. Whenever, under the provisions of this Act, any prisoner is released on parole, penitentiary authorities shall furnish and provide each prisoner with a like suit of clothes as is given a discharged prisoner, together with a railway or bus ticket, from the place of his release to any place in the State designated by the Board, and the sum of Ten (\$10.00) Dollars in cash.

Sec. 19. Lapse of Parolee. If

the parole supervisor shall have reasonable cause to believe that any prisoner at liberty on parole has lapsed or is about to lapse into criminal ways or company, or has violated the conditions under which he is at liberty, he shall personally conduct an investigation into the matter; and if in his judgment the welfare of society demands it, he may under his authority as parole supervisor immediately arrest such parole violator and return him to prison, or the Board may, if its findings so dictate, issue a warrant causing such prisoner to be retaken and returned to the main branch of the penitentiary of this State. It shall become the duty of any officer authorized to serve criminal process, or any peace officer to whom such warrant shall be delivered, to arrest such prisoner and deliver him to an agent of the penitentiary who shall return said prisoner to the main branch of the penitentiary as designated in said warrant, where such prisoner shall await the action of the Board.

Sec. 20. Hearing for Parole Violator. When a prisoner is returned as a parole violator the Board shall, as soon thereafter as practical, consider the case of such violator when so requested by the prisoner whose parole had been revoked who shall be allowed to personally appear before it and explain the charges made against him. The Board shall then act upon the charges in accordance with its findings and may, if its findings so dictate, cause such violator to serve out the remainder of his original maximum term, and time owed shall be counted as from the date such prisoner was released on parole.

Sec. 21. Computing Prisoner's Time. In computing a prisoner's time served, under the provisions of this Act, all commutation time and overtime which such prisoner may have earned for good behavior and for overtime service under the laws of this State shall be considered, except as hereinbefore specified.

Sec. 22. Felony Committed on Parole. Any prisoner convicted of a felony committed while at liberty on parole shall be made to serve, in addition to the term or terms which may be imposed upon him for such felony, the remainder of the maximum term of his original sentence,

or such portion thereof as the Board may deem right and proper, and no such prisoner shall again become eligible for parole except at the discretion of the Board.

Sec. 23. Discharge While on Parole. No prisoner at liberty on parole shall be discharged, pardoned, or in any other manner released from the conditions of his parole prior to the expiration of the maximum term of his sentence, except in such cases where the Board, after a complete and detailed investigation, shall have determined that such action is in the best interests of both society and the prisoner, but in no case shall this apply until the prisoner has faithfully complied with the terms of his parole for a period of at least two (2) calendar years. The Board, however, may allow a prisoner to cease reporting and may also allow such prisoner to leave the State and country.

Sec. 24. Restoration of Citizenship. Any prisoner at liberty on parole, having conducted himself in all ways in an exemplary manner for a period of not less than two (2) calendar years immediately succeeding his release, may present to the Board a certificate attesting to such conduct signed by twelve good and well-known citizens of his place of residence during such two-year period. The good standing of such citizens, as well as the authenticity of the signatures affixed thereon, must be certified to by the County Judge of the county wherein they reside. Such prisoner may then be entitled to the restoration of his citizenship and full rights and privileges of suffrage as provided by the laws of this State; and the Board may, after investigating such facts, and finding no fault therewith, recommend that such rights and privileges be restored to such prisoner, whereupon the Governor may issue a proclamation to this effect. When the prisoner's parole has not been violated in any way, upon the expiration of the time of his sentence, his citizenship shall become automatically restored, and it shall be the duty of the Governor, when the same is called to his attention, to issue a proclamation to this effect.

Sec. 24-a. Filing of Proclamation. Hereafter, the Governor of the State of Texas shall file with the

Secretary of State a copy of the proclamation or other form of release setting forth the reasons for granting clemency or the refusal of clemency to certain convicts and said record shall be open to public inspection at any and all times.

Sec. 25. Appropriation. That the several sums of money herein specified or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the support and maintenance of the Board of Pardons and Paroles until September 1, 1937.

1. Board members, three	\$ 4,500.00
2. Secretary	1,200.00
3. Assistant Secretary	900.00
4. Stenographers, four, three at \$105.00 per month, one to be a man, who shall have qualifications of a Court Reporter, at \$150.00 per month	3,255.00
5. File Clerk, at \$105.00 per month	630.00
Total Salaries	\$10,485.00

1. Stationery, printing, postage, telephone, telegraph, office equipment, and supplies, porter hire and contingent	3,000.00
2. Traveling Expenses of members of the Board and Secretary	3,500.00
Total Miscellaneous	\$ 6,500.00
Grand Total. Salaries and Miscellaneous	\$16,985.00

Sec. 26. Intent of Legislature. If any section, paragraph, part, sentence, clause, or phrase of this Act shall be held unconstitutional, it shall not affect the validity of the remainder and the Legislature hereby declares that it would have passed each and every section, paragraph, part, sentence, clause, and phrase of this Act severally.

Sec. 27. Emergency Clause. The fact that the voters of the State of Texas, at the last general election, expressed their approval of a change in the pardon and parole system of this State, and the fact that there is no law in effect and force at this

time relating to same, and the further fact that there is now no law in effect to govern the new Pardon and Parole Board, create an emergency and an imperative public necessity that requires the Constitutional Rule requiring bills to be read on three several days before passage be suspended, and it is so suspended, and this Act shall take effect from and after passage, and it is so enacted.

Question—Shall the report be adopted?

Senator Collie moved that the report be laid on the table subject to call.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—8.

Aikin.	Lemens.
Collie.	Newton.
Holbrook.	Roberts.
Isbell.	Woodruff.

Nays—19.

Beck.	Redditt.
Brownlee.	Shivers.
Burns.	Small.
Head.	Spears.
Hill.	Sulak.
Moore.	Van Zandt.
Neal.	Weinert.
Nelson.	Westerfeld.
Oneal.	Winfield.
Pace.	

Absent.

Cotten.	Stone.
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Absent—Excused.

Davis.	Rawlings.
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The report was then adopted by the following vote:

Yeas—29.

Aikin.	Moore.
Beck.	Neal.
Brownlee.	Nelson.
Burns.	Newton.
Collie.	Oneal.
Cotten.	Pace.
Head.	Redditt.
Hill.	Roberts.
Holbrook.	Shivers.
Isbell.	Small.
Lemens.	Spears.

Stone.	Westerfeld.
Sulak.	Winfield.
Van Zandt.	Woodruff.
Weinert.	

Absent—Excused.

Davis.	Rawlings.
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House Bill No. 457 on Second Reading.

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 457, A bill to be entitled "An Act prohibiting the taking, trapping or killing of raccoons and mink in the county of Guadalupe for a period of three (3) years; providing a penalty therefor, and declaring an emergency."

The President laid the bill before the Senate, it was read second time, and was passed to third reading.

House Bill No. 457 on Third Reading.

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 457 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Davis.	Rawlings.
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The President laid H. B. No. 457 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Davis. Rawlings.

House Bill No. 506 on Second Reading.

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 506, A bill to be entitled "An Act making it unlawful to take or catch in any manner from any of the public waters, rivers, creeks, or lakes in Gonzales County, any bass, crappie, perch, calico bass, bream, or catfish of any variety, or to have in his possession or retain in any way any bass, crappie, perch, calico bass, bream, or catfish of any variety caught or taken from such waters during certain months; and fixing a penalty for violation of this Act, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 506 on Third Reading.

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 506 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin.	Brownlee.
Beck.	Burns.

Collie.	Redditt.
Cotten.	Roberts.
Head.	Shivers.
Hill.	Small.
Holbrook.	Spears.
Isbell.	Stone.
Lemens.	Sulak.
Moore.	Van Zandt.
Neal.	Weinert.
Nelson.	Westerfeld.
Newton.	Winfield.
Oneal.	Woodruff.
Pace.	

Absent—Excused.

Davis. Rawlings.

The President laid H. B. No. 506 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Davis. Rawlings.

House Concurrent Resolution No. 52.

The President laid before the Senate, for consideration at this time, the following House concurrent resolution:

H. C. R. No. 52, Authorizing establishment of confectionery stand in Walton Building.

The resolution was read.

Senator Burns offered the following amendment to the resolution:

Amend H. C. R. No. 52 by adding a new section in the resolving clause to read as follows, to-wit:

There is hereby appropriated out of the General Fund of this State not otherwise appropriated the sum of

\$15,000, or so much thereof as necessary, for the purpose of building, erecting and equipping in the basement of the Capitol Building a "Capitol Coffee Shop" and said Board of Control shall spend said money and operate said coffee shop.

Senator Van Zandt raised a point of order on consideration of the amendment, on the ground that it is not germane to the resolution and that an appropriation can not be made by resolution as is proposed in the amendment.

The President sustained the point of order.

Senator Small offered the following amendment to the resolution:

Amend H. C. R. No. 52 as follows:

By striking out all of the following in the last two lines: "under the State Commission for the Blind and the Vocational Rehabilitation Division of the Department of Education," and add in lieu thereof, under the supervision of the Board of Control.

The amendment was adopted.

Senator Oneal offered the following amendment to the resolution:

Amend H. C. R. No. 52 by adding after the word "Texas," in the fourth paragraph, the following: "and to permit a competent blind person, selected as provided above, to operate a cigar stand on the first floor of the Capitol Building, but in which nothing but cigars, cigarettes, tobacco, chewing gum, and package candy may be sold.

Yeas and nays were demanded and the amendment was lost by the following vote:

Yeas—11.

Aikin.	Pace.
Burns.	Redditt.
Cotten.	Spears.
Moore.	Stone.
Newton.	Van Zandt.
Oneal.	

Nays—14.

Brownlee.	Neal.
Collie.	Roberts.
Davis.	Shivers.
Hill.	Weinert.
Holbrook.	Westerfeld.
Isbell.	Winfield.
Lemens.	Woodruff.

Present—Not Voting.

Small.

Absent.

Beck.
Nelson.

Sulak.

Absent—Excused.

Head.

Rawlings.

Senator Burns offered the following amendment to the resolution:

Amend H. C. R. No. 52 by amending said resolving clause by adding the following to-wit:

The Board of Control is hereby authorized and directed to build, erect and equip and operate a coffee shop in the basement of the Capitol for the use of the people of Texas and the sum of \$15,000.00 is hereby appropriated out of the Contingent Expense Fund of the Forty-fifth Legislature of the State of Texas.

Senator Holbrook moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16.

Aikin.	Neal.
Brownlee.	Newton.
Collie.	Oneal.
Davis.	Roberts.
Hill.	Small.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Woodruff.

Nays—12.

Beck.	Shivers.
Burns.	Spears.
Cotten.	Stone.
Moore.	Sulak.
Pace.	Westerfeld.
Redditt.	Winfield.

Absent.

Nelson.

Absent—Excused.

Head.

Rawlings.

Question recurring on the resolution as amended, yeas and nays were demanded.

The resolution as amended was adopted by the following vote:

Yeas—24.

Aikin.	Redditt.
Beck.	Roberts.
Brownlee.	Shivers.
Burns.	Small.
Cotten.	Spears.
Hill.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Newton.	Winfield.
Pace.	Woodruff.

Nays—4.

Collie.	Holbrook.
Davis.	Oneal.

Absent.

Nelson.

Absent—Excused.

Head.	Rawlings.
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Leaves of Absence Granted.

Senator Head was granted leave of absence for the remainder of the day, on account of important business, on motion of Senator Collie.

Senator Moore was granted leave of absence for the remainder of this week, on account of important business, on motion of Senator Pace.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 17, 1937.

Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 60, A bill to be entitled "An Act to exclude that portion of the Santo Domingo plantation within the boundaries of Starr County water control and improvement district number one from said district, providing for the payment by the owners of said land of the proportionate part of said district's outstanding indebtedness against same, the manner of paying such proportionate part of said indebtedness, and declaring an emergency."

H. B. No. 132, A bill to be entitled "An Act amending Section 3 of

Article 1108, Chapter 10, Title 28, Revised Civil Statutes of Texas, 1925, as amended by Chapter 207, page 496 of the General and Special Laws passed by the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

H. B. No. 169, A bill to be entitled "An Act making appropriation to pay the Presidential Electors of Texas, providing how it shall be made, and declaring an emergency."

H. B. No. 364, A bill to be entitled "An Act amending Section 9, of Article 1995, Revised Civil Statutes of Texas, providing for suits to be brought in certain counties based upon crime, offenses, and trespasses negligently committed."

H. B. No. 452, A bill to be entitled "An Act to amend Articles 6111, 6113, 6116 and 6122, Revised Civil Statutes of 1925, so as to provide that a special partner may contribute property as capital to the common stock of partnership limited, and that such special partner shall be liable for the debts of said partnership to the value he places on said property contributed, and also providing that the partnership limited may use in its firm name the word, Company, or any other general term, or the name of a special partner, provided such name is followed by the word, limited, and declaring an emergency."

H. B. No. 463, A bill to be entitled "An Act to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, and as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature relative to the Board of County and District Road Indebtedness; and providing that if any part of this amendment be unconstitutional or be invalid for any reason, the remaining part shall, nevertheless be in full force and effect; repealing Chapter 117, Acts of the First Called Session of the Forty-third Legislature, except as herein re-enacted, and declaring an emergency."

H. B. No. 511, A bill to be entitled "An Act providing for the execution

of an agreement to extend the Interstate Compact to conserve oil and gas; prescribing the form of the agreement; prescribing procedure for withdrawal from the compact, and declaring an emergency."

H. B. No. 512, A bill to be entitled "An Act amending Sections 4, 7, 9, 10, 11, 14 and 22 of the Acts of the Forty-first Legislature, 1929, page 648, Chapter 290, and adding Sections 7a and 7b thereto; the amendment of Section 4 providing that the Independent School District or city that has assumed control of its schools or where the same has been organized as a Junior College District has an independent entity which is governed, administered and controlled by and under the direction of the Board of Education of such district or city, and conferring upon said Board of Education of said Junior College District the rights, powers, privileges and duties imposed upon trustees of Independent School Districts by the General Laws of the State of Texas in so far as they may be applicable and not inconsistent with this Act; . . . etc., and declaring an emergency."

H. B. No. 568, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, relative to the compensation or salary to be paid County Auditors in certain counties, and declaring an emergency."

H. B. No. 569, A bill to be entitled "An Act amending Article 2372, Revised Civil Statutes of Texas, 1925, providing that the Commissioners' Court of the various counties of this State shall have authority to pay for the services of interpreters; providing that the sum paid shall not exceed \$5.00 per day for such time as the person is actually employed, and declaring an emergency."

H. B. No. 571, A bill to be entitled "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey, assign, and/or transfer all right, title and interest of whatsoever class, kind or character, directly or indirectly belonging to the State of Texas in and to that tract of land known as the Lampasas State Park, situated in Lampasas County,

Texas, said land to be conveyed to the City of Lampasas, Texas, which said tract of land was heretofore donated to the State of Texas for park purposes by the citizenship of Lampasas, Texas, but no improvement made thereon by the State of Texas; and reciting a failure of consideration, and declaring an emergency."

H. B. No. 589, A bill to be entitled "An Act amending the charter of the City of Kingsville so that its city limits will include a parcel of land approximately three city blocks lying immediately south of the original campus of the Texas College of Arts and Industries; being a dormitory site recently purchased for the State of Texas by the Board of Directors of the Texas College of Arts and Industries; and thereby providing better police and fire protection to the properties now erected on this land, and declaring an emergency."

H. B. No. 593, A bill to be entitled "An Act creating the office of Criminal District Attorney in all counties having a population of not less than 75,001 nor more than 77,100, and not containing a city of more than 40,000 inhabitants as determined by the last preceeding Federal Census, and in which counties there are one or more Judicial Districts and, in which the County Attorney performs the duties of County Attorney and District Attorney, and in which there is not now a District Attorney; providing that the present County Attorney in those counties shall qualify as Criminal District Attorney, remain in office for the period such officer would have held his office as County Attorney had this Act not been passed; etc., and declaring an emergency."

H. B. No. 611, A bill to be entitled "An Act to authorize the State Highway Department, in conjunction with the Bureau of Public Roads, to expend, from and after July 1, 1937, upon roads not a part of the system of State highways, funds appropriated for expenditure on such roads under the Hayden-Cartwright Act, passed by the Seventy-fourth Congress, June 16, 1936, (H. R. 11687); to permit such funds to be matched or supplemented from the State Highway Fund; expressly repealing all laws or parts of laws in conflict herewith to the extent of

such conflict, but said laws are not otherwise repealed, and declaring an emergency."

H. B. No. 641, A bill to be entitled "An Act making appropriation of certain sums of money, or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to certain independent school districts, and declaring an emergency."

H. B. No. 659, A bill to be entitled "An Act defining livestock auction commission merchants, prescribing their duties as such livestock auction commission merchants, requiring them to give bond in a solvent surety company authorized to do business in this State, with a capital stock of not less than \$500,000, such bond to be approved by the County Judge of such county; to require such livestock auction commission merchants to keep an accurate description of the livestock so sold by them at auction, giving marks and brands thereof, if any; to make quarterly reports to the Commissioners' Court of the county in which they carry on such business, and providing penalties therefor, and declaring an emergency."

H. B. No. 672, A bill to be entitled "An Act authorizing the Commissioners' Court in certain counties to require all male convicts to labor on the public roads; providing that each convict shall receive a credit of One Dollar a day for each day so employed; providing for the payment of fees to officers and witnesses; providing that the commissioners' court shall provide for the transportation of the county convicts who may be ordered to work on said roads, and for the transportation from place to place in the county of the various employees, hands, laborers, mechanics and artisans who may be employed on the roads and bridges of the county in the inspection and general supervision of the roads and bridges of said counties by providing for the purchase by the Court of such motor vehicles, motor trucks and trailers as may appear reasonably necessary and proper by said court for said purposes; etc., and declaring an emergency."

(With engrossed rider.)

H. B. No. 674, A bill to be entitled "An Act validating all elections, elec-

tion orders, election proceedings and city ordinances annexing adjacent territory to, or extending and prescribing the corporate limits of any incorporated city having a population of not less than four thousand and not more than four thousand, five hundred inhabitants, as shown by the last preceding Federal Census, and declaring an emergency."

H. B. No. 675, A bill to be entitled "An Act to amend Article 2371 of the Revised Civil Statutes of 1925, by providing that in all counties of this State, having a population of more than three hundred thousand, according to the last United States census; the Commissioners' Court in such county may expend, in furnishing a rest room for women in the court house, or in court house buildings, or on court house grounds, a sum not to exceed three hundred dollars; and may expend for its maintenance, including the compensation paid by the county to the matron, an amount not to exceed One Hundred Dollars per month, and declaring an emergency."

H. B. No. 699, A bill to be entitled "An Act fixing a closed season on white bass and yellow bass; providing a size limit, daily bag limit and possession limit on these species; prohibiting the sale of such fish; providing a penalty for violation of the provisions of this Act, and declaring an emergency."

H. B. No. 716, A bill to be entitled "An Act for the purpose of authorizing county treasurers in counties having a population of not less than one hundred and twenty-five thousand (125,000) nor more than one hundred and seventy-five thousand (175,000) inhabitants, according to the last Federal Census and containing two (2) cities of more than forty thousand (40,000) inhabitants according to the last Federal Census to be paid in addition to all other compensation a salary of not to exceed Six Hundred (\$600.00) Dollars per year to be fixed and determined by the commissioners' court of such county for acting as custodian of the funds of road district or road districts in such counties created under authority of Article III, Section 52 of the Constitution of the State of Texas and or Acts, Thirty-ninth Legislature, First Called Session. Chap-

ter 16, page 23, and declaring an emergency."

H. B. No. 721, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special in conflict therewith, and declaring an emergency."

(With engrossed rider.)

H. B. No. 724, A bill to be entitled "An Act amending Section 1, Chapter 24, Acts of the Regular Session, Forty-third Legislature, providing and fixing compensation for County Commissioners in certain counties, and declaring an emergency."

H. B. No. 747, A bill to be entitled "An Act fixing the amount of maximum fees that may be retained by Justices of the Peace and Constables in Counties containing not less than eleven thousand, nine hundred eighty (11,980) inhabitants, and not more than twelve thousand, one hundred (12,100) inhabitants according to the last preceding Federal Census, and declaring an emergency."

H. B. 748, A bill to be entitled "An Act amending Chapter 465, of the Acts of the Forty-fourth Legislature, Second Called Session, by adding a new section thereto, to be known as Section 2a, providing that in Counties containing a population of less than one hundred ninety thousand (190,000) inhabitants according to the last preceding Federal Census wherein the precinct officers are placed on a salary basis, shall receive as compensation in addition to the salary fixed, certain commissions and payments for certain services performed, and declaring an emergency."

H. B. No. 749, A bill to be entitled "An Act amending Article 3933 of the Revised Civil Statutes of Texas, fixing the fees for Sheriffs and Constables in serving processes in all civil matters, and repealing Article 3936 of the Revised Civil Statutes of Texas, and declaring an emergency."

The House has adopted the Conference Committee report on Senate Bill No. 1 by a vote of 123 yeas, 0 nays.

The House has passed the following bill and resolution:

H. B. No. 369, A bill to be entitled "An Act amending Article 2942, Revised Civil Statutes, 1925, by adding thereto a section to be known as Article 2942a by providing that upon petition of at least 8% of the qualified voters in any voting precinct, the Chairman of the County Executive Committee or any three members of such Committee shall nominate a supervisor of election for such voting precinct; providing that such supervisor shall be a resident of such election precinct and shall be a qualified voter thereof, and shall be selected from one of the persons signing such petition; prescribing the duties of such supervisor, and declaring an emergency."

(With engrossed rider.)

S. C. R. No. 48, Granting permission to Honorable W. R. Chapman, Judge of the 104th Judicial District Court of Texas, to be absent from the State during the year 1937.

The House has passed the following bills:

S. B. No. 247, A bill to be entitled "An Act amending Sections 1, 4, 5, 6, 7, 9, and 18 of House Bill 755, Chapter 241, General Laws of the Forty-fourth Legislature, Regular Session; providing that the Comptroller is authorized to promulgate certain rules and regulations to regulate the sale of cigarettes for movement into States adjoining Texas when such cigarettes have the tax stamps of such adjoining State affixed; requiring salesmen in the employ of manufacturers to keep certain records and deliver invoices; requiring persons soliciting and receiving orders for cigarettes for shipment to points within this State to keep certain records for a limited time; adding a new Section to be known as Section 10-A; providing that before a restraining order shall be granted to restrain or enjoin the collection of the cigarette tax the applicant therefor shall pay into the suspense account of the Treasurer all taxes, fees and penalties due; requiring said applicant to make and file daily reports and pay taxes, fees and penalties accruing before such taxes, fees and penalties become delinquent and prescribing the information to be shown in such reports;

fixing venue and providing that restraining order or injunction shall be automatically dismissed and dissolved after hearing if said applicant fails to pay said taxes, fees and penalties into the suspense account or fails to keep the records required or make the reports required; providing for refund or allocation of taxes, fees and penalties paid after final judgment; prohibiting persons not a party to said injunction or restraining order receiving benefits therefrom; requiring common carriers and contract carriers to keep records of cigarettes transported or handled and to give certain authorities free access to such records and cigarettes handled; preserving taxes, penalties and interest accruing to the State under the provisions of prior cigarette tax laws before the effective date of this Act; repealing laws in conflict herewith; providing that offenses committed or prosecutions begun under pre-existing laws may be conducted under the law as it existed at the time the offense was committed; providing that if any part of this Act shall be held invalid or unconstitutional such decision shall not affect the validity of the remaining portions thereof, and declaring an emergency."

(With amendments.)

S. B. No. 340, A bill to be entitled "An Act creating a Special Road Law for Pecos County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$52,000.00 and designated scrip warrants in an amount not exceeding \$56,000.00 outstanding against its Road and Bridge Fund as of February 20, 1937, by the issuance of funding bonds and setting forth the method of issuing same; validating all acts of the commissioners' court and of the county officials of said county in authorizing, levying taxes to pay principal and interest thereon and in issuing and delivering said warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

S. B. No. 351, A bill to be entitled "An Act creating a Special Road Law for Montague County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$11,500.00 and designated scrip warrants in an amount not exceeding \$38,500.00 outstanding against its Road and Bridge Fund as of February 15, 1937, by the issuance of funding bonds, and setting forth the method of issuing same; validating all acts of the commissioners' court and of the county officials of said county in authorizing, levying taxes to pay principal and interest thereon, and in issuing and delivering said warrants; providing that the general laws pertaining to roads and bridges shall be applicable to said county, when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills on First Reading.

The following bills, received from the House today, were laid before the Senate, read first time and referred to appropriate committees as indicated:

H. B. No. 589, to Committee on Towns and City Corporations.

H. B. No. 571, to Committee on Public Lands and Land Office.

H. B. No. 369, to Committee on Privileges and Elections.

H. B. No. 569, to Committee on Counties and County Boundaries.

H. B. No. 60, to Committee on Mining, Irrigation and Drainage.

H. B. No. 568, to Committee on Counties and County Boundaries.

H. B. No. 132, to Committee on Towns and City Corporations.

H. B. No. 169, to Committee on Finance.

H. B. No. 364, to Committee on Criminal Jurisprudence.

H. B. No. 452, to Committee on Civil Jurisprudence.

H. B. No. 463, to Committee on State Affairs.

H. B. No. 511, to Committee on Interstate Cooperation.

H. B. No. 512, to Committee on Educational Affairs.

H. B. No. 593, to Committee on Judicial Districts.

H. B. No. 611, to Committee on State Highways and Motor Traffic.

H. B. No. 641, to Committee on Finance.

H. B. No. 659, to Committee on State Affairs.

H. B. No. 672, to Committee on Criminal Jurisprudence.

H. B. No. 674, to Committee on Civil Jurisprudence.

H. B. No. 675, to Committee on Counties and County Boundaries.

H. B. No. 699, to Committee on Game and Fish.

H. B. No. 716, to Committee on Counties and County Boundaries.

H. B. No. 721, to Committee on Educational Affairs.

H. B. No. 724, to Committee on Counties and County Boundaries.

H. B. No. 747, to Committee on Counties and County Boundaries.

H. B. No. 748, to Committee on Counties and County Boundaries.

H. B. No. 749, to Committee on Counties and County Boundaries.

House Concurrent Resolutions.

The President laid before the Senate, separately, for consideration, the following resolutions:

H. C. R. No. 37, Authorizing C. A. Lanier to sue the State.

H. C. R. No. 38, Authorizing A. J. Laas to sue the State.

H. C. R. No. 39, Authorizing Mrs. Joe W. Taylor to sue the State.

H. C. R. No. 46, Authorizing E. A. Elliott to sue the State.

H. C. R. No. 41, Authorizing Clement Grain Co. to sue the State.

H. C. R. No. 42, Authorizing Mrs. Pearl Crenshaw to sue the State.

H. C. R. No. 45, Authorizing W. F. Sewell to sue the State.

H. C. R. No. 47, Authorizing Mrs. Patsy Ballew Smith to sue the State.

H. C. R. No. 53, Authorizing D. A. Snyder to sue the State.

H. C. R. No. 43, Relative to George-Deen bill now pending in the Congress of the United States.

The resolutions were read and adopted severally.

House Bill No. 162 on Second Reading.

The President laid before the Sen-

ate, on its second reading and passage to third reading:

H. B. No. 162, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict therewith, and declaring an emergency."

The bill was read second time.

Senator Beck offered the following amendments to the bill:

(1)

Amend H. B. No. 162 by adding a new section to be numbered Section 1a to read as follows:

Section 1a. In counties having a population of not less than forty-eight thousand five hundred sixty-three (48,563) and not more than forty-eight thousand six hundred sixty-three (48,663) according to the last preceding Federal Census, the County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of County Superintendent.

(2)

Amend H. B. No. 162 by adding a new section to be numbered Section 1b to read as follows:

Section 1b. In counties having a population of not less than ten thousand three hundred seventy-one and not more than ten thousand four hundred seventy-one (10,471), according to the last preceding Federal Census, the County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such ex-

penditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of County Superintendent.

(3)

Amend H. B. No. 162 by adding a new section to be numbered Section 1c to read as follows:

Section 1c. In counties having a population of not less than thirty thousand thirty (30,030) and not more than thirty thousand one hundred thirty (30,130), according to the last preceding Federal Census, the County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of County Superintendent.

(4)

Amend H. B. No. 162 by adding a new section to be numbered Section 1d to read as follows:

Section 1d. In counties having a population of not less than ten thousand twenty-eight (10,028) and not more than ten thousand one hundred twenty-eight (10,128), according to the last preceding Federal Census, the County Board of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the County Superintendent.

(5)

Amend H. B. No. 162 by adding a

19—Jour.

new section to be numbered Section 1e to read as follows:

Section 1e. In counties having a population of not less than sixteen thousand three (16,003) and not more than sixteen thousand ten (16,010), according to the last preceding Federal Census, the County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the County Superintendent.

The amendments were adopted severally.

(Senator Collie in the Chair.)

H. B. No. 162 was then passed to third reading.

House Bill No. 162 on Third Reading.

Senator Oneal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 162 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Davis.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Demens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Head. Rawlings.

The Presiding Officer laid H. B.

No. 162 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Davis.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent—Excused.

Head. Rawlings.

House Bill No. 120 on Second Reading.

The Presiding Officer laid before the Senate, on its second reading and passage to third reading:

H. B. No. 120, A bill to be entitled "An Act amending Article 802, Penal Code of Texas, 1925, as amended by Chapter 424, Acts First Called Session, Forty-fourth Legislature, and declaring an emergency."

The bill was read second time.

(President in the Chair.)

H. B. No. 120 was passed to third reading.

House Bill No. 120 on Third Reading.

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 120 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin.	Davis.
Beck.	Hill.
Brownlee.	Holbrook.
Burns.	Isbell.
Collie.	Lemens.
Cotten.	Moore.

Neal.	Spears.
Nelson.	Stone.
Newton.	Sulak.
Oneal.	Van Zandt.
Pace.	Weinert.
Redditt.	Westerfeld.
Roberts.	Winfield.
Shivers.	Woodruff.
Small.	

Absent—Excused.

Head. Rawlings.

The President laid H. B. No. 120 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Hill.	Spears.
Holbrook.	Stone.
Isbell.	Van Zandt.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Nays—1.

Sulak.

Present—Not Voting.

Weinert.

Absent—Excused.

Head. Rawlings.

Motion Spread on Journal

Senator Van Zandt moved that the minority committee report on S. B. No. 400 be substituted for the majority report, and asked to have the motion spread upon the Journal.

Senate Resolution No. 51.

Senator Brownlee, by unanimous consent, offered the following resolution at this time:

Whereas, Due to the large number of bills that have been introduced in the Legislature, some of which are now pending in committees and sub-committees and others have been passed out of committees, it is im-

possible for the members of the Senate to know the status or details of all of said bills:

Be it Resolved, That the Employment Committee of the Senate assign sufficient help to furnish weekly reports as to all bills pending in the Senate or in committees.

BROWNLEE,
WINFIELD.

The resolution was read and was adopted.

Bills Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 1, "An Act repealing Article 6203, Revised Civil Statutes of 1925, as amended by Chapter 45, Acts of the Forty-first Legislature, First Called Session, Chapter 9, Fourth Called Session of the Forty-first Legislature, and Chapter 11, Fifth Called Session of the Forty-first Legislature, creating a Board of Pardons and Paroles, fixing their terms of office, etc., and declaring an emergency."

H. B. No. 101, "An Act making an emergency appropriation to pay the salaries and other expenses of the work incident to the eradication of the Mexican Fruit Fly, Citrus Canker, and other pests, and declaring an emergency."

House Bill No. 586 on Second Reading.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 586, A bill to be entitled "An Act to amend the subject matter embraced in Section 3, Section 4, Section 7, Section 13, and Section 19, of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, and adding a new Section to be known as Section 17-A authorizing the Commission to make reciprocal arrangements with other states and the Federal Government with respect to wages earned and benefits accumulated by employees in other states, and declaring an emergency."

On motion of Senator Shivers and by unanimous consent, the Senate rule requiring printed copies of a bill to be on the desks of Senators

24 hours before consideration of the bill was suspended, to permit consideration of the bill at this time.

The bill was read second time.

Senator Shivers offered the following (committee) amendments to the bill:

(1)

Amend H. B. No. 586 by adding thereto a new Section for the purpose of amending Section 12 of Chapter 482 of the Forty-fourth Legislature, Third Called Session.

Sec. 12. (a) Texas State Employment Service, as provided for under Act of the Forty-fourth Legislature, Regular Session, Chapter 236, page 552 is hereby transferred to the Commission as a division thereof. The Commission, through such division, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act, and for purposes of performing such duties, as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system and for other purposes," approved June 6, 1933 (48 Stat. 113; U. S. C., Title 29, Section 49 (c), as amended. It shall be the duty of the Commission to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this state in conformity with Section 4 of said Act, and this state will observe and comply with the requirements thereof. The Texas Unemployment Compensation Commission is hereby designated and constituted the agency of this state for the purposes of said Act. The director, other officers and employees of the Texas State Employment Service shall be appointed by the Commission in accordance with regulations prescribed by the Director of the United States Employment Service.

(b) **Financing:** All monies received by this State under the said Act of Congress, as amended, shall be paid into the special "Employment Service Account" in the Unemployment Compensation Administration Fund, and said monies are hereby made available to the Texas Unemployment Compensation Commission to be expended as provided by this Section and by said Act of Congress, and any unexpended balance of funds appropriated or allocated either by the State of Texas or the Federal Government to the Texas State Employment Service as a division of the Bureau of Labor Statistics, is hereby, upon the passage of this Act, transferred to the special "Employment Service Account" in the Unemployment Compensation Administration Fund. For the purpose of establishing and maintaining free public employment offices, the Commission is authorized to enter into agreements with any political subdivision of this State or with any private, and/or non-profit organization, and as a part of any such agreement the Commission may accept monies, services, or quarters as a contribution to the special "Employment Service Account."

(c) **Invalidity of Transfer:** In the event that this Act, or any Section thereof, insofar as the same shall affect the Texas State Employment Service, shall be held or declared unconstitutional or invalid, then in that event Chapter 236, page 552, Acts of the Regular Session of the Forty-fourth Legislature establishing the Texas State Employment Service shall be and remain in full force and effect as it was prior to the passage of this Act.

(2)

Amend H. B. No. 586, Section 7c, Subsection 1, by striking out the following: "in excess of fifty (50) per centum of his contribution."

The committee amendments were adopted severally.

Senator Shivers offered the following amendment to the bill:

Amend H. B. No. 586, page 6, by striking out line 26, beginning with the word benefit and ending with the word "period" in line 4, on page 7, and substituting therefor the following:

"Benefit paid to an eligible individual shall be charged against the account of his most recent employers, against whose account the maximum charges hereunder have not previously been made in the inverse chronological order in which the employment of such individual occurred."

The amendment was adopted.

Senator Shivers offered the following amendment to the bill:

Amend the caption to conform with the body of the bill as amended.

The amendment was adopted.

Question recurring on the passage of the bill to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

Yeas—20.

Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Spears.
Davis.	Sulak.
Hill.	Van Zandt.
Lemens.	Westerfeld.
Newton.	Winfield.
Oneal.	Woodruff.

Nays—4.

Aikin.	Isbell.
Holbrook.	Stone.

Present—Not Voting.

Weinert.

Absent.

Neal.	Small.
Nelson.	

Absent—Excused.

Head.	Rawlings.
Moore.	

House Bill No. 586 on Third Reading.

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 586 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21.

Beck.	Redditt.
Brownlee.	Roberts.
Burns.	Shivers.
Collie.	Spears.
Cotten.	Stone.
Davis.	Sulak.
Hill.	Van Zandt.
Lemens.	Westerfeld.
Newton.	Winfield.
Oneal.	Woodruff.
Pace.	

Nays—3.

Aikin.	Isbell.
Holbrook.	

Present—Not Voting.
Weinert.

Absent.

Neal.	Small.
Nelson.	

Absent—Excused.

Head.	Rawlings.
Moore.	

The President laid H. B. No. 586 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21.

Beck.	Redditt.
Brownlee.	Roberts.
Burns.	Shivers.
Collie.	Spears.
Cotten.	Stone.
Davis.	Sulak.
Hill.	Van Zandt.
Lemens.	Westerfeld.
Newton.	Winfield.
Oneal.	Woodruff.
Pace.	

Nays—3.

Aikin.	Isbell.
Holbrook.	

Present—Not Voting.
Weinert.

Absent.

Neal.	Small.
Nelson.	

Absent—Excused.

Head.	Rawlings.
Moore.	

Senate Bill No. 247 With House Amendments.

Senator Woodruff called up S. B. No. 247 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Senator Woodruff moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

Senator Spears moved that the Senate concur in the House amendments to the bill.

On motion of Senator Woodruff, the bill, with the House amendments, and the motions to non-concur and to concur were laid on the table subject to call.

House Bill No. 321 on Second Reading.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 321, A bill to be entitled "An Act amending Chapter 141, Acts Fortieth Legislature, Regular Session, as amended by Chapter 246, Acts Forty-second Legislature, Regular Session, creating the Office of the Veterans' State Service Office attached to the Adjutant General's Department; providing for the appointment of a Veterans' State Service Officer and certain Assistant Veterans' State Service Officers, and other necessary personnel; defining the qualifications, authority and duties of such officers; fixing and authorizing payment of their salaries, travel and other expenses; providing that the main office shall be located in Austin, Travis County, Texas; and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read second time.

Senator Redditt offered the following amendment to the bill:

Amend Section 2 of H. B. No. 321, commencing at the beginning of said section, in line 56, and striking out all of said section down to and including the word "general," in line 64, and substituting in lieu thereof the following:

"The Legislature, in its regular biennium appropriation bill, shall determine the number of assistant Veterans' State Service Officers, and such additional employees as may be determined necessary, and when so determined, the Adjutant General, with the advice and consent of the Governor, shall make such appointments, who shall be appointed to serve for a term of two years, commencing at the beginning of the biennium, and shall serve for said biennium unless removed for cause.

In no event shall any officer or employee be appointed unless authorized in the regular biennium appropriation bill."

The amendment was adopted.

Senator Redditt offered the following amendment to the bill:

Amend the caption to conform with the body of the bill as amended.

The amendment was adopted.

H. B. No. 321 was then passed to third reading.

House Bill No. 321 on Third Reading.

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 321 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Davis.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Head.	Rawlings.
Moore.	

The President laid H. B. No. 321 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Small.
Davis.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Head.	Rawlings.
Moore.	

Adjournment.

On motion of Senator Redditt, the Senate, at 12:40 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX

Bills Filed With Secretary of State.

Austin, Texas, March 16, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of all bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Monday, March 15, 1937:

H. B. No. 157:

Vote in the Senate, yeas 30, nays 0.

Vote in the House, yeas 118, nays 1.

Signed by the Governor, March 15, 1937.

S. B. No. 330:

Vote in the Senate, yeas 25, nays 0.

Vote in the House, yeas 121, nays 0.

Signed by the Governor, March 15, 1937.

Assuring you of my continued pleasure in performing this service, I am

Yours very truly,
EDWARD CLARK,
Secretary of State.

By: M. E. SANDLIN,
Assistant Secretary of State.

Reports of Standing Committees.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Criminal Jurisprudence, to whom
was referred

S. B. No. 397, A bill to be entitled
"An Act amending Chapter Two,
Title 8, of the Code of Criminal
Procedure of the State of Texas,
adopted at the Regular Session of
the 39th Legislature, 1925, by add-
ing thereto Article 601-A, providing
that in all counties having therein
a city of One Hundred Thousand or
more population, as shown by the
last preceding Federal Census, the
Judge of the Court having jurisdic-
tion of a capital case in which a
motion for special venire has been
made, shall grant or refuse such mo-
tion at his discretion and upon his
refusal to grant same, require the
case to be tried by the regular
jurors summoned for service and
such additional talesman as may be
ordered in the courts of such county,
where as many as one hundred jurors
have been so summoned for regular
service for the week in which such
capital case is set for trial, and pro-
viding that the Clerk of such Court
shall furnish defendant or his coun-
sel a list of such persons summoned
for jury service upon application
therefor, and repealing all laws and
parts of laws in conflict to the ex-
tent of the conflict only, and declar-
ing an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

STONE, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Criminal Jurisprudence, to whom
was referred

S. B. No. 395, A bill to be entitled
"An Act repealing Article 618 and
Article 619 of Chapter Three (3) of
Title Eight (8) of the Code of Crimi-
nal Procedure of the State of Texas
adopted at the Regular Session of the
Thirty-Ninth Legislature, 1925."

Have had the same under con-

sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

STONE, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Criminal Jurisprudence, to whom
was referred

S. B. No. 296, A bill to be entitled
"An Act amending Subsection 8 of
Section 4 of Article III of Chapter
495, Acts of the Forty-fourth Legis-
lature, Third Called Session, so as
to provide that the tax levied herein
shall not apply to coin-operated ma-
chines of whatever kind or charac-
ter that has been judicially declared
illegal, and declaring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

STONE, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Criminal Jurisprudence, to whom
was referred

S. B. No. 396, A bill to be entitled
"An Act amending Article 710, Code
of Criminal Procedure, as enacted in
1925, as hereinafter set out, and de-
claring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do not pass.

STONE, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on
Criminal Jurisprudence, to whom
was referred

S. B. No. 405, A bill to be entitled
"An Act requiring dealers, peddlers
and brokers handling or dealing in
used oil, gas or pipe line equipment
to obtain licenses from the Railroad
Commission of the State of Texas;
providing for applications, license
fees and issuance of such licenses;
requiring the keeping of records and

filing copies with the sheriffs of the various counties; providing for the renewal of licenses; authorizing the Railroad Commission to refuse to issue and to cancel and forfeit licenses under certain conditions; providing funds collected shall be used to enforce this Act and any surplus transferred to the General Fund of the State; prohibiting the purchase or receiving of such articles from minors; authorizing the Railroad Commission to prescribe forms, adopt rules and regulations in pursuance of this Act; providing penalties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

STONE, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 66, Granting Hon. A. S. Moss, District Judge of the 100th Judicial District, permission to leave the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 56, Granting Walter P. Dickerson permission to sue the State of Texas and the Adjutant General's Department of the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 31, Encouraging the use of cotton mats to help build roads in the State of Texas, and requesting the Highway Department of Texas to cooperate with the Federal Department of Agriculture in this movement.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 29, A bill to be entitled "An Act to correct malpractice in the building construction industry by safeguarding the public against the irresponsible practice of the profession of architecture."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 384, A bill to be entitled "An Act providing and authorizing that any bonds, interest thereon, or similar obligations, issued by any municipality or political division of the State may be made payable at the office of the State Treasurer, designating and constituting the State Treasurer Ex-officio Treasurer and fiscal agent of such municipalities and political divisions with the State Treasurer for such purposes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

PACE, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 349, A bill to be entitled "An Act providing and authorizing that any bonds, interest thereon, or similar obligations, issued by any municipality or political division of the State may be made payable at the office of the State Treasurer."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 81, An Act to aid the Pease River Flood Control District, a State agency, in carrying out the purposes for which it was created by Chapter 420, General and Special Laws, First Called Session, Forty-fourth Legislature (S. B. No. 62 of said Session), including the acquiring of lands, leases, easements, and acquittances, rights-of-way, structures, buildings, and equipment, and including the operation of structures, dams, reservoirs, and canals, suitable, in so far as practicable, for the control of the flood waters of the Pease River watershed, declaring it to be a public calamity; granting and donating, with certain limitations, to said district for a period of two years all of the State ad valorem taxes in the following counties which otherwise would go into the General Revenue Fund of the State of Texas, namely: Cottle, Foard, Hardeman, and Wilbarger; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 221, A bill to be entitled "An Act to amend Article 1302, Chapter 1, Title 32, of the Revised Civil Statutes of 1925, by adding thereto Section 99, so as to provide

for the creation of private corporations for the purpose of producing, mining, manufacturing, buying and selling of building materials of all kinds, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 111, A bill to be entitled "An Act amending Article 2199 of the Revised Civil Statutes of this State so as to allow the jury to hear the court reporter read from his notes where there is any disagreement among the jury as to the statement of any witness, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 110, A bill to be entitled "An Act to amend Article 2207, Revised Civil Statutes of Texas, 1925, relating to defective, informal or conflicting verdicts, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 16, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 112, A bill to be entitled "An Act amending Article 2424, Revised Civil Statutes of Texas, 1925, relating to juries in civil cases in justice courts; providing the number

of jurors which may render a verdict, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 109, A bill to be entitled "An Act amending Article 2190 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-second Legislature, 1931, Chapter 78, Section 1, relating to special issues, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 259, A bill to be entitled "An Act providing for the apprehension, arrest and trial of one alleged to be of unsound mind by filing of information under oath before a county judge or justice of the peace and the issuance of a warrant of arrest thereon and return thereof to the county judge; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute as adopted do pass in lieu thereof, and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 362, A bill to be entitled "An Act providing for the payment

of warrants and vouchers issued by towns and cities in the State of Texas for funds received and used by such towns and cities in a sum not to exceed Eight Thousand (\$8,000.00) Dollars prior to June 1, 1932, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 127, A bill to be entitled "An Act to authorize payments of funds arising out of liquidated and uncontested claims in favor of minors, lunatics, idiots, and non compos mentis; and to provide for the disposition of such funds so paid, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 315, A bill to be entitled "An Act amending Article 2007, Revised Civil Statutes of Texas, 1925, and adding thereto a section to be known as Article 2007a, providing that the Clerks of the District Courts shall upon filing of a plea of privilege dispatch by registered mail a notice and certified copy of such plea to the attorneys of the adverse party, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on

State Affairs, to whom was referred H. C. R. No. 17, Authorizing the Railroad Commission of the State of Texas to promulgate and enforce an order making compulsory the use of malodorous substance in all natural gas distribution systems and in all individual unit systems utilizing liquified petroleum gases.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, together with Committee Amendment No. 1 thereto, and do be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, March 17, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 969, A bill to be entitled "An Act authorizing any subsidiary corporate body politic of the State to pay to the school district the sum or sums equivalent to the amount of bonded indebtedness at the time of the creation of said corporate body, and all other damages that may be sustained by such school district; provided further, that such corporate body may render for taxes, and pay said taxes to the school district for any properties not actually used by the corporate body for the purpose that such body was formed, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COTTEN, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 400, A bill to be entitled "An Act amending Article 5515, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

SMALL, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, the minority of your Committee on Civil Jurisprudence, to whom was referred S. B. No. 400, Have had the same under consideration, and recommend that said bill be reported favorably and be printed in lieu of the majority favorable report.

VAN ZANDT,
WEINERT,
REDDITT,
REDDITT.

(Majority Report.)

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 156, A bill to be entitled "An Act to amend Articles 2203, 2204, 2205, 2206 of Chapter 8, Title 42, of the Revised Civil Statutes of Texas, 1925, relating to the form of verdicts of juries in civil cases so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the District Court, etc., and declaring and emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

SMALL, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, March 17, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, a minority of the Committee on Civil Jurisprudence, to whom was referred S. B. No. 156,

Beg leave to differ with the majority, and we report it back to the Senate with the recommendation that it do pass and be printed.

NELSON,
SPEARS,
HILL.

Committee Room,
Austin, Texas, March 15, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Em

grossed Bills, have had S. B. No. 282 carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

Committee Room,
Austin, Texas, March 12, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 418 carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 227 carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 323 carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 105 carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 430 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 189 carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 431 carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

Committee Room,
Austin, Texas, March 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 432 carefully examined and compared and find same correctly engrossed.
ROBERTS, Chairman.

Committee Room,
Austin, Texas, March 17, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 1 carefully examined and compared and find same correctly enrolled.
WESTERFELD, Chairman.

Committee Room,
Austin, Texas, March 17, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 48 carefully examined and compared and find same correctly enrolled.
WESTERFELD, Chairman.

FORTY-FIRST DAY.

(Thursday, March 18, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin.	Lemens.
Beck.	Neal.
Brownlee.	Nelson.
Burns.	Newton.
Collie.	ONeal.
Cotten.	Pace.
Davis.	Redditt.
Head.	Roberts.
Hill.	Shivers.
Holbrook.	Small.
Isbell.	Spears.